

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
October 20, 2015

The City Council convened in Regular Session on Tuesday, October 20, 2015 at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Mary Ann Ohms, presiding, and the Honorable Mayor Sally A. Faith and Members of the Council present as follows: Dave Beckering, Tom Besselman, John Hanneke, Rod Herrmann, Bridget Ohmes, Jerry Reese, Ron Stivison and Mary West. Absent: Laurie Feldman. City Clerk Laura L. Whitehead was present and performed the duties of that office.
File # 48303

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by ROD HERRMANN to excuse the absence of Councilmember Laurie Feldman. JOHN HANNEKE seconded the motion. All voted in favor, motion passed.

PUBLIC HEARING

The President of the Council Mary Ann Ohms announced that the following Public Hearings would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

- A. Citizen Participation Plan for Implementation of the Consolidated Planning process for Year Five of the Five-Year Action Plans 2012-2016 for program year beginning on January 1, 2016 and ending on December 31, 2016, for use of Community Development Block Grant Program funds (CDBG), uses of the (HOME) funds under the St. Louis HOME Consortium, and uses of Neighborhood Stabilization Program (NSP) funds (*Council Bill 11725*)

REPORT OF THE MAYOR/AWARDS/PROCLAMATIONS/PRESENTATIONS

Introduction of the following staff members:

Fire Department: Battalion Chief Tim Wersching and Battalion Chief Tim Cooper.

Fire Chief Mike Myers introduced Battalion Chief Tim Wersching and Battalion Chief Tim Cooper. Battalion Chief Wersching and Battalion Chief Cooper provided a brief biography on their educational and employment background.

Community Development Department: Fire Code Officer Chris Newbold and CDBG/Code Enforcement Officer Lisa Bullock

Interim Director of Community Development Greg Tate introduced Fire Code Officer Chris Newbold and CDBG/Code Enforcement Officer Lisa Bullock. Mr. Newbold and Ms. Bullock provided a brief biography on their educational and employment background.

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Written and/or Verbal Messages from the Mayor

The Honorable Mayor Sally Faith announced the St. Charles County Salvation Army Bell Ringing Challenge will be held on December 12th at the Dierbergs Food Market and requested Councilmembers to volunteer to ring the bell again this year.

The Honorable Mayor Sally Faith read a thank you letter received by a resident – thanking Finance Department/Collections staff member Cathy Breuer for her assistance.

The Honorable Mayor Sally Faith announced the Mayor's Main Street Meeting is being held this Thursday, October 22nd, at City Hall in the Council Chambers from 5:30 – 6:30 p.m.

The Honorable Mayor Sally Faith announced the Farmer's Market season is coming to an end. Their season will close on Saturday, October 31st. Hours are 7am-Noon.

The Honorable Mayor Sally Faith announced several upcoming events. For more information relating to "what's happening" in St. Charles, visit www.historicstcharles.com.

PUBLIC COMMENT

There were no public comments.

RESOLUTIONS

A Resolution Declaring Information Technology Equipment Surplus Property; Authorizing Disposal of the Equipment with Resale Value by Internet Auction; and Authorizing Recycling of the Equipment without Resale Value (*Sponsor: John Hanneke*)
Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
"Nay": None
Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Resolution R15-044**

A Resolution of the City of St. Charles, Missouri, Selecting an Underwriter in Connection with the Proposed Issuance and Sale of the City's Tax Increment Revenue Bonds (West Clay Extension Redevelopment Project – RPA 1), Series 2015; and Acknowledging Certain Disclosures Pursuant to MSRB Rule G-17 (*Sponsors: Tom Besselman and Mary Ann Ohms*)
Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
"Nay": None
Absent: Feldman

Approved by the Honorable Mayor on October 20, 2015 and is known as **Resolution R15-045**

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BILLS FOR FINAL PASSAGE

Bill 11717

An Ordinance Authorizing and Directing the Issuance, Sale and Delivery of Not To Exceed \$6,445,000 Aggregate Principal Amount of Neighborhood Improvement District Limited General Obligation Refunding Bonds (Streets of St. Charles At Noah's Ark Infrastructure and Site Improvement Project – Phase One Improvements), Series 2015a, Not to Exceed \$8,995,000 Aggregate Principal Amount Of Neighborhood Improvement District Limited General Obligation Refunding Bonds (Streets of St. Charles at Noah's Ark Infrastructure and Site Improvement Project – Phase Two-A Improvements), Series 2015b and Not to Exceed \$3,625,000 Aggregate Principal Amount of Neighborhood Improvement District Limited General Obligation Refunding Bonds (Streets Of St. Charles at Noah's Ark Infrastructure and Site Improvement Project – Phase Three Improvements), Series 2015c of the City Of Saint Charles, Missouri; Prescribing the Form and Details of Said Bonds; Providing for the Levy and Collection of Annual Assessments for the Purpose of Paying the Principal of and Interest on Said Bonds as they become Due; and Authorizing Certain Other Documents and Actions in Connection Therewith (*Sponsors: Laurie Feldman and Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-223**

Bill 11718

An Ordinance Authorizing an Agreement by and between the City of St. Peters, Missouri and the City of St. Charles, Missouri, by and through its Parks and Recreation Board, for Reciprocal Use of the St. Peters Rec-Plex and the St. Charles Blanchette Aquatics Facility, McNair Aquatics Facility and the Wapelhorst Aquatics Facility (*Sponsors: Rod Herrmann and Jerry Reese*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-224**

Bill 11719

An Ordinance Repealing Ordinance No. 15-204 and Enacting a New Ordinance Authorizing, Directing and Empowering the Mayor, City Clerk, Director of Administration, Director of Finance and Purchasing Manager, Upon the Effective Date of Legislation Authorizing the Same, to Perform the Acts Necessary to Establish Credit Card Accounts on behalf of the City of St. Charles with Commerce Bank and to Execute All Documents Required to Effectuate this Purpose (*Sponsor: Mary Ann Ohms*)

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Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
 and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-225**

Bill 11720

An Ordinance Amending Ordinance No. 15-205 by Revising Exhibit A, the List of Persons Authorized for Use of Account and “Specimen Signatures,” Replacing the Director of Finance (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
and Besselman
“Nay”: None
Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-226**

Bill 11721

An Ordinance Authorizing an Intergovernmental Agreement By and Between County of St. Charles and City of St. Charles for Use of St. Charles County Transportation Sales Tax Funds to Realign the Intersection of Droste Road and West Clay Street (*Sponsors: Tom Besselman and Ron Stivison*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
 and Besselman
 “Nay”: None
 Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-227**

Bill 11722

An Ordinance Authorizing an Intergovernmental Agreement By and Between County of St. Charles and City of St. Charles for Use of St. Charles County Transportation Sales Tax Funds for the Installation of a Traffic Signal at the Intersection of Regency Parkway and Veterans Memorial Parkway (*Sponsor: Jerry Reese*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
“Nay”: None
Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-228**

Bill 11723

An Ordinance Authorizing an Intergovernmental Agreement By and Between County of St. Charles and City of St. Charles for Use of St. Charles County Transportation Sales Tax Funds for the Highway 370 at Mel Wetter Parkway Traffic Study (*Sponsor: Mary Ann Ohms*)

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Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
and Besselman
“Nay”: None
Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-229**

Bill 11724

An Ordinance Authorizing a Fourth Amendment to Real Estate Sale Agreement with Coca-Cola Refreshments USA, Inc. to Refund to the City the \$10,000 Road Deposit Previously Paid to Coca-Cola Refreshments USA, Inc (*Sponsors: Mary Ann Ohms, Bridget Ohmes and Ron Stivison*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
and Besselman
“Nay”: None
Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-230**

Bill 11725

An Ordinance Authorizing the Mayor and City Clerk to Execute and File the 2016 Consolidated Annual Action Plan with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2016) (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
and Besselman
“Nay”: None
Absent: Feldman
Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-231**

Bill 11726

An Ordinance Repealing Ordinance No.15-179 and Enacting a New Ordinance: (1) Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks; (2) Designating Enterprise Bank & Trust a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of a Convention Center Bank Account at Enterprise Bank & Trust, and Designating Persons Authorized to Initiate ACH Transfers or Sign Checks on Behalf of the City; and (3) Designating New Frontier Bank a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of a Joint Bank Account with the St. Charles County Convention and Sports Facility Authority at New Frontier Bank, and Designating Persons Authorized to Initiate ACH Transfers or Sign Checks on Behalf of the City and Authority
(Sponsor: Mary Ann Ohms)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering
and Besselman
“Nay”: None

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Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-232**

Bill 11727

An Ordinance Amending Ordinance Number 14-264 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2015 (Budget Amendment #7) (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-233**

Bill 11728

An Ordinance Amending Section 400.400 of the Code of Ordinances Regarding the Keeping of Chickens (*Sponsor: Tom Besselman*)

Councilmember Dave Beckering requested a separate vote on Council Bill 11728.

Passed “Aye”: Herrmann, Ohms, Reese, West, Besselman and Hanneke

“Nay”: Ohmes, Stivison and Beckering

Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-234**

Bill 11729

An Ordinance Approving Costs of Certain Improvements; and Authorizing Payments from the Project Fund in Connection with the New Town Gateway Neighborhood Improvement District (*Sponsor: Rod Herrmann*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-235**

Bill 11730

An Ordinance Authorizing the Donation of a Temporary Construction Easement at the North Entrance of the St. Charles Convention Center to the Missouri Department of Transportation for the Purpose of Reconstructing the Convention Center Entrance to Match the New Roadway Grade of Veteran’s Memorial Parkway (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-236**

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Bill 11731

An Ordinance Authorizing a Grant Agreement by and between the Missouri Development Finance Board and the City of St. Charles, Missouri for Partial Construction Funding in the Amount of \$515,000 for Improvements to the 1-70 Eastbound Bridge and Highway 370 Bridge over the Missouri River by Adding Bicycle/Pedestrian Additions as Described in the June 2015 Tiger 7 Discretionary Grant Application (*Sponsors: Mary Ann Ohms, Tom Besselman and Laurie Feldman*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-237**

Bill 11732

An Ordinance Approving the Record Plat for University Commons Plat 3, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Tom Besselman*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-238**

Bill 11733

An Ordinance Authorizing a First Amendment to the Contract with CBIZ, Inc. for Broker of Record and Employee Benefits Consulting Services for 2016 in an Amount Not to Exceed \$60,000.00 (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-239**

Bill 11734

An Ordinance Vacating the Right-of-Way of a Portion of Hilltop Drive and Dedicating as Right-of-Way a Portion of Hilltop Drive and a Portion of Ken Drive Adjacent to the Bellevaux Subdivision as a Public Street and Authorizing the Recording of Instruments

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on October 21, 2015 and is known as **Ordinance 15-240**

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 11735

An Ordinance Authorizing an Agreement By and Between St. Louis County, on Behalf of the St. Louis County Department of Police and the City of St. Charles to Allow One (1) City Police Officer to Participate in the Multijurisdictional Drug Task Force from January 15, 2016 Through January 15, 2017 (*Sponsor: Ron Stivison*)

Bill 11736

An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles and the St. Charles County Historical Society for Programming, Telecast and Related Matters (*Sponsor: Ron Stivison*)

Bill 11737

An Ordinance Authorizing a Contract with J.M. Marschuetz Construction Company for the West Clay Reconstruction Project in an Amount Not to Exceed \$3,358,251.70 (*Sponsor: Ron Stivison*)

Councilmember Beckering announced the Council received a letter today regarding this Council Bill and requested Administration provide the Council answers to the questions in the letter prior to the November 3, 2015, Regular Council Meeting.

Bill 11738

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Ten-D, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11739

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Ten-E, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11740

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-M-1-A, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11741

An Ordinance Approving the Record Plat for Boulevard Senior Living, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Jerry Reese*)

Bill 11742

An Ordinance Approving Costs of Certain Improvements; and Authorizing Payments from the Project Fund in Connection with Phase Three Improvements of the Streets of St. Charles at Noah's Ark Neighborhood Improvement District (Reimbursement No 18) (*Sponsors: Laurie Feldman and Mary Ann Ohms*)

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Bill 11743

An Ordinance Authorizing Amendment Number 4 to the Contract with Simpleview, Inc. for Destination Marketing Association International Event Impact Calculator Integration for the Convention and Visitors Bureau Website from June 1, 2015 through May 31, 2016, in the Amount of \$1,500, for a Total Amount Not to Exceed of \$165,984 (*Sponsors: Ron Stivison and John Hanneke*)

Bill 11744

An Ordinance Authorizing the Vacation of Easements Located on Land Identified as Lot A within the University Commons Planned Development (*Sponsor: Tom Besselman*)

Bill 11745

An Ordinance Authorizing Amendment Number 3 to the Contract with Jacobs Engineering Group, Inc., for Engineering Services to Design Water Wells in an Amount of \$180,646.50, for a Total Amount Not to Exceed \$234,752.62 (*Sponsor: Rod Herrmann*)

CONSENT AGENDA

A motion was made by JOHN HANNEKE to approve the Consent Agenda. TOM BESSELMAN seconded the motion. A roll call vote was taken with the following results: "Aye": Ohmes, Ohms, Reese, Stivison, West, Beckering, Besselman, Hanneke and Herrmann. "Nay": None. Absent: Feldman. Motion passed.

A. Approval of Council Minutes

1. Special Council Meeting of September 30, 2015
2. Regular Council meeting of October 6, 2015
3. Public Hearing of October 6, 2015

File #48453

4. Special Council Meeting of October 13, 2015

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Storm Water Task Force Meeting of October 6, 2015
 - b. Technology Committee Meeting of October 6, 2015

File #48443

File #48309

2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Storm Water Task Force Meeting of October 6, 2015
 - i. Motion to approve the web-based storm water survey to be conducted until December 1, 2015
 - ii. Motion to table item #3 *Presentation and Discussion of the Results from the Comprehensive Storm Water Study Phase*

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I– Cole, Boschert and Crystal Spring Watersheds to the
October 20, 2015 Storm Water Task Force meeting

b. Technology Committee Meeting of October 6, 2015 (*none*)

C. Receipt of Reports from Boards, Commissions, or Committees

1. Planning and Zoning Commission Meeting of August 24, 2015
File #48359
2. Greater Saint Charles Convention & Visitors Commission Meeting of
August 27, 2015
File #48355
3. Board of Adjustment Meeting of September 14, 2015
File #48329

D. Receipt of Reports of the Director of Administration

1. Request to Fill Vacant Position in Public Works/Street Division
File #48454
2. Monthly Report on Requests for Intra-Departmental Transfer of
Appropriations > \$10,000 – September, 2015
File #48331

E. Approval of Contracts and Easements from \$30,001 - \$99,999

1. Second Renewal Contract with M&H Concrete Contractors, Inc. for
Contractual Snow Removal Services for the 2015/2016 Winter
Season in an Amount not to exceed \$70,000.00
C13-662
2. Contract Amendment No. 3 with Adecco Engineering & Technical for one
(1) Construction Inspector for Public Works in an Amount of \$1,349.30,
for a Total Contract Amount not to exceed \$96,085.30
C14-508
3. Contract Amendment No. 2 with Jacobs Engineering Group, Inc. to
provide As-Needed Consulting Services in the Amount of \$12,906.12,
for a Total Contract Amount not to exceed \$54,106.12
C14-305
4. Contract Amendment No. 2 with Lewis Rice LLC to provide Special
Legal Counsel Services in an Amount of \$15,000.00, for a Total Contract
Amount not to exceed \$60,000.00
C15-386

F. Preliminary Plats (*none*)

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- G. Miscellaneous
1. Receipt of the Proposed Annual Budget for 2016 as Submitted by the Board of Directors of the West Clay Extension Community Improvement District
File #48455
 2. Approval of Home Improvement Loans and/or Grants
File #48350
 3. Report of the City Clerk relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law (*City Clerk's Office*)
File #48302

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Councilmember Jerry Reese asked Mayor Faith to provide an update on the upcoming Senior Program being held on November 2nd.

The Honorable Mayor Sally Faith announced the Mayor's Office and the Saint Charles Senior Citizens Advisory Commission will be hosting a Senior Outreach Open House to inform Saint Charles Seniors on health care issues, lockboxes and the utility tax rebate program. The Event will be held on Monday, November 3rd at the Foundry Art Centre from 9:30 – 11:00 a.m. The Event is free and open to everyone – not just Saint Charles Seniors!

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following closed session minutes:

- A. City Council Work Session on Tuesday, September 15, 2015, and following the required roll call vote in open session, the Council convened in closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3) at 6:04 p.m.

MARY WEST seconded the motion. A roll call vote was taken, with the following results:
"Aye": Ohms, Reese, Stivison, West, Beckering, Besselman, Hanneke, Herrmann and Ohmes.
"Nay": None. Absent: Feldman.

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The open portion of the Regular Council Meeting was adjourned at 7:41 p.m.

Date Approved

City Clerk

Mary Ann Ohms, Presiding Officer